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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/536,673

05/27/2005

Judith Anne Napier-Clark

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08/23/2006

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EXAMINER

CHOW, CHARLES CHIANG

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/536,673	<b>Applicant(s)</b> NAPIER-CLARK, JUDITH ANNE	
	<b>Examiner</b> Charles Chow	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/3/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

### Detailed Action

1. This office action is for Preliminary Amendment dated 5/27/2005.

### Abstract

2. The abstract of the disclosure is objected to because the abstract is not on a single sheet.

Correction is required. See MPEP§ 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. implied language.

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Carlino (US 2003/0000,865 A1).

**For claim 7**, Carlino teaches a portable personal communications [ Palm Pilot or cellular telephone 14, Fig. 3A, Fig. 5] and cosmetics apparatus [12],

a mobile phone unit mounted on the base unit [ the cellular phone 14 is slidingly mounted to the base of case 12 via 22, 28, paragraph 0024],

a cosmetic carrier [10, paragraph 0023] for cosmetics products carried by the base unit

[ cosmetic palette 30 carried on the second half 16 of case 12, Fig. 5] and movable relative thereto between an open position for accessing the cosmetics products and a closed position [ the when not using the cosmetic products, folding, closing, the first half 16 onto second half 18, & when open 16 to access cosmetic products, paragraph 0025].

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlino (US 2003/0000,865 A1) in view of Goldring (US 6,796,431 B1).

**For claim 1**, Carlino discloses a portable personal communications [ cellular phone 14 in Fig. 3A/Fig. 1, Fig. 5/Fig. 5A, paragraph 0030] and cosmetics apparatus [12] comprising a mobile phone unit mounted on the base unit [ the phone 14 sliding mounted to the base 12 via 22, 28, paragraph 0024].

Carlino fails to teach a base unit having side walls with cavities therein for receiving removable cosmetics products.

Goldring teaches a base unit [lower storage means] having side walls with cavities [6a-6d] therein for receiving removable cosmetics products [ col. 5, line 51 to col. 6, line 6, Fig. 1, Fig. 5], to easily, conveniently, store the cosmetic products in the side wall, without open the lid 3. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Carlino with Goldring's cavities 61-6f, for conveniently storing the cosmetic products in the sidewall.

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**For claim 2**, Carlino teaches an apparatus [10, Fig. 3A/Fig. 1, Fig. 5/Fig. 5A], in which said mobile phone unit [cellular telephone 14] is detachably mounted on the base unit [14 is detachable mounted to base 18 via 22, 28, paragraph 0024].

**For claim 3**, Carlino teaches an apparatus [Fig. 3A] further comprising a top unit [12] for carrying further cosmetics products [ cosmetic palette 30 in opening 32].

**For claim 4**, Carlino teaches an apparatus [Fig. 3A] in which the top unit 12] is detachably mountable on the mobile phone unit 14 [detachable mountable via 22, 28].

**For claim 5**, Carlino teaches an apparatus [Fig. 5, Fig. 5A] including a fascia device [12] detachably mountable on the mobile phone unit [14] when the latter is detached from the base unit [70, paragraph 0032].

**For claim 6**, Carlino teaches a portable personal communications [14] and cosmetics apparatus [12],

a mobile phone unit detachably mounted on the cosmetics unit [ the phone 14 sliding mounted to the cosmetic base 12 via 22, 28, paragraph 0024].

Carlino fails to teach a cosmetics unit with cavities therein for receiving removable cosmetics products.

Goldring teaches a cosmetic unit [lower storage means] with cavities [6a-6d] therein for receiving removable cosmetics products [ col. 5, line 51 to col. 6, line 6, Fig. 1, Fig. 5], to easily, conveniently, store the cosmetic products in the side wall, without open the lid 3. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Carlino with Goldring's cavities 61-6f, for conveniently storing the cosmetic products in the sidewall.

**For claim 9**, Carlino teaches an apparatus [Fig. 3A/Fig. 1, Fig. 5/Fig. 5A] further comprising a top unit [12, Fig. 5/Fig. 5a] for carrying further cosmetics products [ cosmetic palette 30 housed in opening 32, paragraph 0029, Fig. 5].

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlino in view of Wu (US 6,363,947 B1).

**For claim 8**, Carlino fails to teach the features for this claim.

Wu teaches the in which the said carrier comprises a tray slidable in the base unit between its open and closed positions [ drawer 40 slidable in the base between open & closed positions, col. 2, lines 24-32, abstract, Fig. 2, Fig. 9], for accessing stored multiple cosmetic products from a movable drawer. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Carlino with Wu's sliding drawer, for easily accessing multiple cosmetic products.

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. US 2006/0042,971 A1, Holmes et al. teaches the base 104 of the storing compartment coupled to the battery cover of a portable phone 302 [ Fig. 3, abstract paragraph 0035].

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (571) 272-7889. The examiner can normally be reached on 8:00am-5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application

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may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Chow *CC*

August 1, 2006.

*Lane N. L*  
8-17-06  
LANA LE  
PRIMARY EXAMINER